

## Libya: Analysis Report

### **Headline: New Proof of Mass Killings at Gaddafi Death Site**

**By Danielle Derohannesian**

Human Rights Watch this week published a 58-page report titled "[Death of a Dictator: Bloody Vengeance in Sirte](#)" documenting [new evidence](#) of the events of October 20, 2011, the infamous date of Muammar Al-Gaddafi's death. In addition to findings on the specifics of Al-Gaddafi's death, the report outlines the beatings and deaths of his convoy and his son Mutassim Al-Gaddafi. The report gathered evidence through newly obtained interviews and media. They indicate that the Misrata-based opposition militias severely beat Muammar Al-Gaddafi and that by the time he was loaded into the ambulance he appeared lifeless. They also captured and disarmed Al-Gaddafi's convoy, tortured, and then killed at least 66 of them.

Humanitarian law [requires](#) states to prevent, investigate and punish human rights violations during armed conflict. Since a solid and just foundation is essential to a transitional period, the new Libyan administrations ought to investigate the events of October 20th. However, one can only hope Libya will follow these steps, seeing as she has not signed on to the Rome Statute and consequently is not subject to its standards. Thus far, the majority of the findings come from Human Rights Watch. Why a stronger investigation has not occurred remains officially unknown, although it could be due to political reasons such as ties of the anti-Gaddafi militias to the new administration or due to security reasons such as not wanting to disrupt the fragile militia structure.

Inadequate investigations from the new administration can be extended to make the argument that Libya is not able to try Al-Qaddafi's son [Seif Al-Islam](#). Is this government prepared politically to handle the case? Does it have the appropriate resources and institutions to secure a fair outcome? Is it [even legal](#) for them to keep Seif Al-Islam from the International Criminal Court's prosecution? On the other hand, the ICC should be careful not to take from Libya what

could be their way to provide closure and justice. There are strong legal arguments to be made for why Seif Al-Islam ought to be moved to The Hague, and yet, it could harm the transitional process if Libya is denied the right to exercise its own jurisdiction.

Whether or not Libya should sign on to the ICC is a point of debate. It would be a positive first step towards democratic consolidation, and towards obtaining a positive reputation. In terms of human rights promotion, the ICC is key for this. They prosecute individuals for serious crimes, if the states are unwilling or unable to try their own case. Some would argue Libya [is not ready](#) to try Seif Al-Islam, although Libya would like to prove that it is, political motives aside. At what point do these international organizations encroach upon a state's sovereignty? To its own dismay, the ICC is dependent on its parties; if no one ratifies it, they have no jurisdiction or power. Furthermore, powerful states such as the United States, China and India who are non-members send an interesting message. Are international courts necessary and to what extent? Having exceptions and opt-out clauses significantly weaken international organizations in their promotion of human right. It is a critical moment for both the ICC and Libya as the court is trying to flex its muscles to try a case of a non-signatory state and also for Libya who wants to forge her own path.